

pgl

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: West Ridge Resources, Inc/West Ridge Mine
Permit #: C/007/041

NOV # N02-49-1-1
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The operator was in violation of a specific permit condition, not lining diversions DD-1, DD-2, DD-3, DD-4, DD-9 and DD-12. Any sediment contributions contributed by the lack of lining the diversions would be contained and/or controlled by the sediment pond.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: _____

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: Diversions DD-1, DD-2, DD-3, DD-4, DD-9 and DD-12 were not maintained and/or constructed in accordance with the approved designs contained in the approved MRP. The referenced ditches were not lined as described in the approved designs contained in the MRP.

Appendix 7-4: Page 10, Table 13 pages 35 & 36, Figures 3 & 4 of the approved MRP (Mining Reclamation Plan) shows that ditches which exhibit expected flows of 5 fps or greater from a 10 year/24 hour event will be lined. Figure 4 shows that a minimum of 4" of concrete will be used to line DD-1, DD-2, DD-3, DD-4 and DD-9. Table 13 pages 35 & 36 shows that DD-12 also has an expected flow of 5 fps or greater; therefore, DD-12 should also be lined.

- ☐ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: Good Faith will be addressed upon completion of the work.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: None.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Karl R. Houskeeper
Authorized Representative

Karl R. Houskeeper March 1, 2002
Signature Date